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## **EXHIBIT D**

-18-

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**NOTICE OF MOTION AND MOTION TO COMPEL DEFENDANT WILLIAM K. SPENCER'S INITIAL  
DISCLOSURES PURSUANT TO FED. RULE CIV. PROC., RULE 26; REQUEST FOR MONETARY  
SANCTIONS IN THE AMOUNT OF \$1,365.00.00 AGAINST DEFENDANT WILLIAM K. SPENCER**



Richard Uss <[richard@nussbaumapc.com](mailto:richard@nussbaumapc.com)>

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## Re: Gwen Nolan v. William K. Spencer

1 message

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**Richard Uss** <[richard@nussbaumapc.com](mailto:richard@nussbaumapc.com)>  
To: William Spencer <[wksarch@gmail.com](mailto:wksarch@gmail.com)>

Tue, Jan 26, 2021 at 3:52 PM

Good Afternoon Mr. Spencer,

That which was provided is simply not a Rule 26 disclosure. It was not requested that a "status report" be provided to our office, nor was it requested that we be provided with a document that was previously provided to our office and subsequently appears to have been manipulated and/or modified in order to make it appear current. The document, unfortunately, does not comport with the Federal Rules of Civil Procedure and it appears that the proper motion to compel will now be necessary.

Thank you.

Sincerely,

On Tue, Jan 26, 2021 at 3:46 PM William Spencer <[wksarch@gmail.com](mailto:wksarch@gmail.com)> wrote:

Did you receive my email  
Re status conference

Sent from my iPhone

> On Jan 19, 2021, at 9:47 PM, [richard@nussbaumapc.com](mailto:richard@nussbaumapc.com) wrote:

>

> Good Evening Mr. Spencer,

>

> As you are undoubtedly aware, you are under an affirmative duty in this matter to provide the appropriate disclosures pursuant to Federal Rules of Civil Procedure, Rule 26, et seq. This particular requirement is not optional. To date, your mandatory disclosures have not yet been received.

>

> Despite the requirement that you provide a telephone number with every filing you submit to the Court, you have failed to do so and we have no means to contact you outside of email and letter writing. The traditional means of letter writing is axiomatically time consuming and understandably disadvantageous to both parties considering the time sensitivity of this matter.

>

> To further inform you, your failure to comply with the mandatory requirement to make all appropriate disclosures necessarily means that Plaintiff must now resort to judicial intervention in order to obtain your disclosures.

>

> As a result, if we are not informed that the appropriate disclosures have been served on our office, along with the necessary document production, by 10:00 a.m., tomorrow, January 20, 2021, we shall be proceeding with the filing of the appropriate motion to compel your compliance with Federal Rules of Civil Procedure, Rule 26 and requesting that the Court impose appropriate monetary sanctions against you for requiring to do so. While our previous email correspondence has apparently gone unheeded and unresponded to, I trust that this will not be the case here and that you will provide us with the information outlined by Rule 26.

>

> Thank you.

>

> Sincerely, Richard J. Uss, Esq. Attorney Nussbaum APC 27489 Agoura Road Suite 102 Agoura Hills, California

91301 Email: [Richard@nussbaumapc.com](mailto:Richard@nussbaumapc.com) Telephone: 818-660-1919 Facsimile: 818-864-3241 CONFIDENTIALITY NOTICE: The contents of this email message and any attachments are intended solely for the addressee(s) and may contain confidential and/or privileged information and may be legally protected from disclosure. If you are not the intended recipient of this message or their agent, or if this message has been addressed to you in error, please immediately alert the sender by reply email and then delete this message and any attachments. If you are not the intended recipient, you are hereby notified that any use, dissemination, copying, or storage of this message or its attachments is strictly prohibited.

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Sincerely,

Richard J. Uss, Esq.  
Attorney  
Nussbaum APC  
27489 Agoura Road Suite 102  
Agoura Hills, California 91301  
Email: [Richard@nussbaumapc.com](mailto:Richard@nussbaumapc.com)  
Telephone: [818-660-1919](tel:818-660-1919)  
Facsimile: [818-864-3241](tel:818-864-3241)

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